

Senate Bill No. 2072

CHAPTER 1008

An act to amend Section 1808.21 of the Vehicle Code, relating to information practices.

[Approved by Governor September 29, 2000. Filed
with Secretary of State September 30, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

SB 2072, Speier. Department of Motor Vehicles: records.

Under existing law, any registration or driver's license record of a person may be suppressed from any other person, except as specified, if the person requesting the suppression submits verification acceptable to the Department of Motor Vehicle that he or she has reasonable cause to believe that he or she is the subject of stalking, or that there exists a threat of death or great bodily injury to his or her person involving domestic violence.

Under existing law, suppression of a record occurs for one year after approval by the department and, not less than 60 days prior to that one year date, the department is required to notify the person of the expiration. Existing law allows the suppression to be continued for a period determined by the department if the person submits verification acceptable to the department that the person continues to have reasonable cause to believe that he or she is the subject of stalking.

This bill would provide that the suppression of records may be continued for 2 additional periods of one year each if a letter is submitted to the department stating that the person continues to have a reasonable cause to believe that he or she is the subject of stalking or that there exists a threat of death or great bodily injury. The bill would further allow the suppression of the record to be continued at the end of the second one-year period by submitting verification acceptable to the department.

The people of the State of California do enact as follows:

SECTION 1. Section 1808.21 of the Vehicle Code is amended to read:

1808.21. (a) Any residence address in any record of the department is confidential and shall not be disclosed to any person, except a court, law enforcement agency, or other government agency, or as authorized in Section 1808.22 or 1808.23.

(b) Release of any mailing address or part thereof in any record of the department may be restricted to a release for purposes related

to the reasons for which the information was collected, including, but not limited to, the assessment of driver risk, or ownership of vehicles or vessels. This restriction does not apply to a release to a court, a law enforcement agency, or other governmental agency, or a person who has been issued a requester code pursuant to Section 1810.2.

(c) Any person providing the department with a mailing address shall declare, under penalty of perjury, that the mailing address is a valid, existing, and accurate mailing address and shall consent to receive service of process pursuant to subdivision (b) of Section 415.20, subdivision (a) of Section 415.30, and Section 416.90 of the Code of Civil Procedure at the mailing address.

(d) (1) Any registration or driver's license record of a person may be suppressed from any other person, except those persons specified in subdivision (a), if the person requesting the suppression submits verification acceptable to the department that he or she has reasonable cause to believe either of the following:

(A) That he or she is the subject of stalking, as specified in Section 1708.7 of the Civil Code or Section 646.9 of the Penal Code.

(B) That there exists a threat of death or great bodily injury to his or her person, as defined in subdivision (d) of Section 12022.7 of the Penal Code.

(2) Upon suppression of a record, each request for information about that record shall be authorized by the subject of the record or verified as legitimate by other investigative means by the department before the information is released.

(e) Suppression of a record pursuant to subdivision (d) shall occur for one year after approval by the department. Not less than 60 days prior to the date the suppression of the record would otherwise expire, the department shall notify the subject of the record of its impending expiration. The suppression may be continued for two additional periods of one year each if a letter is submitted to the department stating that the person continues to have a reasonable cause to believe that he or she is the subject of stalking or that there exists a threat of death or great bodily injury as described in subparagraph (B) of paragraph (1) of subdivision (d). The suppression may be additionally continued at the end of the second one-year period by submitting verification acceptable to the department. The notification described in this subdivision shall instruct the person of the method to reapply for record suppression.

(f) For the purposes of subdivisions (d) and (e), "verification acceptable to the department" means recent police reports, court documentation, or other documentation from a law enforcement agency.

